

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF THE STATE OF WASHINGTON**

SCOTT ICEBERG,

Plaintiff,

v.

BROOKSTONE LANDSCAPE & DESIGN,
LLC,

Defendant,

and

TIMOTHY HAWKINS,

Defendant.

CASE NO.

(Related Case No. 23-2-08381-31)

**NOTICE OF REMOVAL OF
ACTION UNDER 28 USC § 1331
AND 1446**

(FEDERAL QUESTION)

Pursuant to 28 USC §1331 and 1446(b), Brookstone Landscape & Design, LLC and Timothy Hawkins (hereinafter collectively referred to as “Defendants”), by and through attorneys Krishna Balasubramani of SBH Legal and Michael K. Rhodes of Mix Sanders Thompson, PLLC, hereby give notice of removal of the action entitled *Scott Iceberg v. Brookstone Landscape & Design, LLC and Timothy Hawkins*, Snohomish County Superior Circuit Court Case No. 23-2-08381-31 to the United States District Court for the Western District of the State of Washington.

SBH LEGAL
1200 SW MAIN STREET
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1 1. On November 15, 2023, Scott Iceberg (hereinafter referred to as “Plaintiff”)
2 filed a complaint against Defendants in which he alleged a violation of the Americans with
3 Disabilities Act 42 USC §12182, 29 USC §794, RCW 49.60, and RCW 7.48.130.

4 2. Defendants were served with the original Complaint and Summons on
5 November 10, 2023. This Notice of Removal is filed within thirty (30) days of the date of
6 service. Pursuant to 28 USC §1446, a copy of all process, pleadings and orders served on
7 Defendants are attached as Exhibit A. Defendants have taken no action in the Snohomish
8 County Superior Circuit Court that would prejudice their right to removal.

9 3. Pursuant to section 2, paragraph 6 of Plaintiff’s complaint, Plaintiff is a citizen
10 of the State of Washington.

11 4. Pursuant to section 2, paragraph 7 of Plaintiff’s complaint, Defendant Tim
12 Hawkins is the owner and registered agent of Brookstone Landscape & Design, LLC.

13 5. Pursuant to section 2, paragraph 8 of Plaintiff’s complaint, Defendant
14 Brookstone Landscape & Design, LLC is incorporated and has its principal place of
15 business in the State of Washington.

16 6. This action is one over which the Court has original jurisdiction under 28 USC
17 §1331, in that it is a civil action in which, according to complaint paragraphs 4 and 5,
18 Plaintiff’s allegations involve questions of federal law.

19 7. Plaintiff alleges that Defendants violated the Americans with Disabilities Act 42
20 USC §12182: Prohibition of discrimination by public accommodations by discriminating
21 against Plaintiff on the basis of his disabilities in the full and equal enjoyment of a facility,
22 Plaintiff’s apartment.

8. Plaintiff also alleges that Defendants violated 29 USC §794: Nondiscrimination under Federal grants and programs by subjecting Plaintiff to discrimination by failing to provide him with accommodations based on his disability.

9. This action may be removed to this Court by Defendants pursuant to the provisions of 28 USC §1331, and according to the procedure in 28 USC §1446.


10. Promptly after filing this Notice of Removal, Defendants will serve a true and correct copy upon Plaintiff and will file a true and correct copy with the Clerk of the Court.

WHEREFORE, Defendants give notice of the removal of the above-entitled action now pending in the Superior Circuit Court Snohomish County, State of Washington, to the United States District Court for the Western District of the State of Washington.

DATED this 6th day of December, 2023.

SBH Legal

Mix Sanders Thompson PLLC

By: 
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Of Attorneys for Defendants

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the 6th day of December, 2023, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using CM/ECF system which will send notification of such filing to the persons listed below:

Scott Iceberg
Plaintiff
4008 133rd Street SE, Apt. 520
Mill Creek, WA 98012
Tel: (425) 480-9103
E-mail: scotticeberg@yahoo.com

SBH Legal

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